

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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BRUCE BAKER,

Plaintiff

-against-

COMPLAINT FOR VIOLATIONS
OF THE FAIR DEBT COLLECTION
PRACTICES ACT

MRS BPO, L.L.C.,

1:20-cv-1348 (BKS/CFH)

Defendant

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PRELIMINARY STATEMENT

1. The Plaintiff BRUCE BAKER (“Plaintiff”) brings this action based upon improper and violative debt collection practices utilized and otherwise invoked by the above-named Defendant. These collection practices are expressly prohibited by the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*
2. Based upon the Defendant’s violations of the FDCPA, as set forth and alleged herein, the Plaintiff is entitled to actual damages, statutory damages, attorneys fees, and costs, all pursuant to 15 U.S.C. § 1692k.

PARTIES

3. The Plaintiff is a natural person.

4. At all times relevant to this Complaint, the Plaintiff was a citizen of, and otherwise resided in, the Schenectady, New York.
5. The Defendant MRS BPO, L.L.C. (MRS) is a New Jersey corporate entity and is registered as a Foreign Limited Liability Company with the New York Secretary of State.
6. The Defendant MRS maintains a principle place of business located at 1930 Olney Avenue, Cherry Hill, New Jersey.
7. The Defendant collects, and attempts to collect, debts incurred, or alleged to have been incurred, for personal, family, or household purposes on behalf of creditors using the U.S. Mail, telephone, and Internet.
8. The Defendant is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6)

JURISDICTION & VENUE

9. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.
10. Venue is appropriate in this federal district pursuant to 28 U.S.C. §1391(b) because a substantial part of the events giving rise to the claims of the Plaintiff occurred within this federal judicial district.

FACTS CONCERNING THE PLAINTIFF

11. Sometime prior to June 24, 2020, the Plaintiff obtained a Verizon cell phone but returned the phone three (3) days later because of misrepresentations made by the seller in regard to the costs of the phone and services.

12. The Verizon cell phone was obtained by the Plaintiff for personal purposes.
13. Despite the Plaintiff's return of the phone, the Defendant MRS sent a collection letter dated June 24, 2020 falsely alleging therein that the Plaintiff was indebted to Verizon in the amount of \$343.13. A copy of said letter is attached hereto as Exhibit "1".
14. The monetary obligation alleged to be owed by the Plaintiff is a "debt" as that term is defined in the FDCPA, 15 U.S.C. § 1692a(5).
15. The Plaintiff is a "consumer" as that term is defined in the FDCPA, 15 U.S.C. § 1692a(3).
16. The Defendant violated the FDCPA by attempting to collect a debt from the Plaintiff which was not owed as a matter of contract or law.

FIRST CAUSE OF ACTION

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

17. The Defendant violated the FDCPA. The Defendant's violations include, but are not limited to, the following:

The Defendant violated 15 U.S.C. § 1692e by using false, deceptive and misleading debt collection means during attempts to collect alleged consumer debts.

The Defendant violated 15 U.S.C. § 1692e(2)(A) by falsely representing the character, amount and legal status of an alleged debt.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that the Court enter judgment in favor of the Plaintiff as follows:

- (i) Actual damages in an amount to be determined at the time of trial pursuant to 15 U.S.C. § 1692k(a)(1);
- (ii) The maximum statutory damages allowed pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- (iii) Attorney's fees, litigation expenses, and costs pursuant to 15 U.S.C. § 1692k(a)(B)(3); and
- (iv) For such other and further relief as may be just and proper.

JURY DEMAND

Plaintiff demands that this case be tried before a Jury.

DATED: New York, New York
October 29, 2020

ROBERT L. ARLEO, ESQ. P.C.

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